

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD C. JOHNSON,

CASE NO. 2:20-cv-10147

Plaintiff,

v.

HON. GERSHWIN A. DRAIN
DISTRICT JUDGE

LIA GULICK,
MARI KAY SHERRY,
and PAIN MANAGEMENT
COMMITTEE,¹

HON. PATRICIA T. MORRIS
MAGISTRATE JUDGE

Defendants.

/

**ORDER REQUIRING PLAINTIFF TO SUBMIT A PROPOSED AMENDED
COMPLAINT**

Plaintiff is a prison inmate in the custody of the Michigan Department of Corrections (“MDOC”) at the Macomb Correctional Facility (“MCF”). (ECF No. 1, PageID.2). On January 22, 2020, filed suit in this court under 42 U.S.C. § 1983 alleging Eighth Amendment violations by various medical staff members and other MDOC employees. (*Id.*)

On March 31, 2022, the District Court adopted my recommendation to dismiss Defendants Jeffrey Blessman, Ricky Coleman, and Stacy Sylvie on the

¹ The undersigned recognizes that the Pain Management Committee is misspelled in the docket as the “Pain Management Commitee.”

basis that Plaintiff had failed to exhaust his administrative remedies before filing suit. (ECF Nos. 48, 53). On October 19, 2022, Plaintiff filed a motion to amend the original Complaint to reinstate the claims against Blessman, Coleman, and Sylvie. (ECF No. 62). Plaintiff attached Step I and Step III grievances to show that he had named these former Defendants at Step I and had completed MDOC's grievance requirements. (*Id.*)

On November 2, 2022, the undersigned ordered Plaintiff to submit a proposed amended complaint, noting that his motion to amend the complaint did not include a copy of the proposed amendment. (ECF No. 63). On November 30, 2022, Plaintiff submitted a “motion for amended complaint” that included the statement “Please find enclosed, per your instructions, Plaintiff’s proposed amended pleading.” (*Id.* at PageID.531). However, the submission does not include a proposed amended complaint, i.e. a “pleading” or anything else resembling a complaint. As in his earlier motion to amend, Plaintiff states only that the claims against Blessman, Coleman, and Sylvie should be reinstated because he has now exhausted his administrative remedies. (*Id.* at PageID.529-30).

I understand that Plaintiff does not have an attorney, and therefore his amended complaint will be held to “less stringent standards than formal pleadings drafted by lawyers.” *Haynes v. Kerner*, 404 U.S. 519, 520 (1972). Nevertheless, even in *pro se* pleadings “courts should not have to guess at the nature of the claim

asserted.” *Wells v. Brown*, 891 F.2d 591, 594 (6th Cir. 1989). The basic pleading requirements, as set forth in Fed. R. Civ. P. 8(a), require “a short and plain statement of the claim showing that the pleader is entitled to relief,” and “a demand for the relief sought.”

Therefore, Plaintiff’s amended complaint must at a minimum indicate (1) the names of the Defendants he is suing; (2) a *factual* statement explaining what each Defendant did that violated his Eighth Amendment rights or any other constitutional rights; and (3) what relief he is seeking, for example, money damages. It is not enough for Plaintiff to merely cobble together previous filings or to state that he is “adding” Defendants to a previous complaint. That is because the amended complaint supersedes all previous complaints, *see B&H Medical, LLC v. ABP Admin., Inc.* 526 F.3d 257, 268, n. 8 (6th Cir. 2008), and the amended complaint must stand alone, without referring to the former complaint. Plaintiff needs to just start over, and tell us who he is suing and why he is suing them.²

This is Plaintiff’s final chance to file a proper amended complaint. If he fails to do so, no subsequent motions to amend will be granted.

IT IS THEREFORE ORDERED that no later than 30 days from the date of this Order, Plaintiff will submit a proposed amended complaint.

²In drafting a new complaint, Plaintiff must *not* include former Defendants who have already been dismissed *with prejudice*. Those portions of the new complaint will be stricken.

Date: December 8, 2022

s/PATRICIA T> MORRIS

Patricia T. Morris

United States Magistrate Judge